

## **REMARKS**

Claim 2 has previously been cancelled. Claim 4 is cancelled in this amendment. Claims 1, 3 and 5-8 remain pending in the present application. Claim 1 has been amended. Basis for the amendments can be found throughout the specification, drawings and claims as originally filed.

The undersigned attorney would like to thank Examiner Graham for the courtesies extended to him during the telephonic interview on December 6, 2005. During the interview, the difference between the tape member of the Doederlein et al. reference and the elastic member of Applicant's invention was discussed. It was pointed out that the tape, while being flexible, is not elastic in that it does not return to its original position after being stretched. The analogy was made between the stretching of scotch tape and a rubber band. Clearly, the tape is flexible, but it does not return to its original position after it has been stretched.

## **REJECTION UNDER 35 U.S.C. §102(b)**

The Examiner has rejected Claim 1 under 35 U.S.C. 102(b) alleging it to be anticipated by Doederlein et al. (U.S. Patent No. 5,641,164).

Claim 1 further defines the piezo-electric plate is supported at its periphery by the elastic member. The piezo-electric vibration plate is spaced and out of contact with the sound board.

The Doederlein et al. reference cited by the Examiner fails to disclose or suggest Applicant's invention. Doederlein et al. fails to disclose or suggest an elastic member as claimed by Applicant. Further, Doederlein et al. fails to disclose or suggest the plate

member to be spaced from and out of contact with the sound board. This is further evidenced by Doederlein et al. wherein Doederlein et al., in column 4, line 1 and 2, states that the adhesive tape 66 rigidly couples driver 52 to sound board 56. The rigidness of the connection illustrates the lack of elasticity of the flexible tape. Further, in column 3, lines 66 and 67 and column 4, line 1, Doederlein et al. discusses that the sound board has a diameter nominally equal to the diameter of metal disc. Here, the term “nominally” means substantially no difference and therefore it clearly is anticipated that the metal disc of Doederlein et al. is in contact with the sound board. This is illustrated in Figure 9. Further, as illustrated in Figure 9, the tape departs from the periphery of the disk 64. In fact, a space is illustrated between the tape and the periphery of the disk. Thus, the Doederlein et al. reference fails to disclose or suggest Applicant’s invention.

Accordingly, Applicant believes Claim 1, as well as Claims 3 and 5-8 which depend from Claim 1, to be patentably distinct over the art cited by the Examiner.

### **REJECTION UNDER 35 U.S.C. §103(a)**

The Examiner has rejected Claims 3 and 5-8 under 35 U.S.C. §103(a) alleging them to be anticipated by Doederlein et al. further in view of Yamada (U.S. Patent No. 3,721,840).


The Yamada reference cited by the Examiner fails to overcome the deficiencies of the Doederlein et al. reference. Accordingly, the combination cited by the Examiner fails to disclose or suggest Applicant’s invention. Accordingly, Applicant believes Claim 3, as well as Claims 5-8, to be patentably distinct over the art cited by the Examiner.

In light of the above amendments and remarks, Applicant submits that all pending claims are in condition for allowance. Accordingly, Applicant respectfully requests the Examiner to pass the case to issue at his earliest possible convenience. Should the Examiner have any questions regarding the present application, he should not hesitate to contact the undersigned at (248) 641-1600.

Respectfully submitted,

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